

HOUSE JOINT RESOLUTION 774

By Brooks (Shelby)

A RESOLUTION in support of the Black Farmers and  
Agriculturists Association, Incorporated, in their  
efforts to obtain remedies for past discriminatory  
practices against Black farmers.

WHEREAS, throughout the history of this country, African-Americans have made  
substantial contributions to the agricultural industry in the United States; and

WHEREAS, in 1920, there were 925,000 African-American farms in the United States;  
and

WHEREAS, today there are fewer than 18,000 African-American farms in the United  
States, and that number is steadily decreasing; and

WHEREAS, the United States Congress created the United States Department of  
Agriculture "USDA" in 1862, and charged it with a variety of duties concerning the agricultural  
industry, including the administration of farm loans and credit extensions; and

WHEREAS, many farmers rely on the timely administration of USDA loan and benefit  
programs in order to compensate for lean production periods and to assist with operations  
improvements; and

WHEREAS, decisions as to whether a credit application will be approved are made on  
the local county level by a county committee, headed by a county executive who is responsible  
for assisting farmers with credit and benefit applications, and for making recommendations to  
the committee as to which applications should be approved; and

WHEREAS, the county committees are not racially diverse and do not represent the  
racial diversity of the communities they serve; and

WHEREAS, in 1998, across the United States, only 37 of 8,147, or .45% of all the USDA  
county commissioners were African-American; and

WHEREAS, in the Southeastern region of the country, where most African-American farmers are based, about 1% of USDA county commissioners are African-American; and

WHEREAS, in the Southeastern region, the county commissioners take about three times longer to process credit and benefit applications from African-American farmers, as they do to process applications from white farmers; and

WHEREAS, in many instances, when monies are made available to African-American farmers, the funds are placed in a supervised bank account, that requires a county supervisor's signature before the farmer can withdraw money; white farmers are not usually bound to this requirement; and

WHEREAS, the USDA and the county commissioners discriminated against African American farmers when they denied, delayed, or otherwise frustrated the applications of those farmers for farm loans and other credit and benefit programs; and

WHEREAS, the USDA Office of Civil Rights Enforcement and Adjudication ("OCREA") was created to provide a system through which African American farmers could formally lodge complaints and seek redress of racial discrimination claims; and

WHEREAS, according to a USDA Inspector General report issued in 1997, many discrimination complaints were never processed, investigated, or otherwise resolved, and the discrimination complaint process at the Farm Services Agency lacked "integrity, direction, and accountability"; and

WHEREAS, the delays in processing African-American farmers discrimination claims often resulted in the farmer's loss to the right to the claim, as the statute of limitations had run out on many of the claims; and

WHEREAS, in 1997, three African-American farmers' consolidated their racial discrimination claims into one class action lawsuit, which included as the certified class, all African-American farmers operating between 1981 and 1996, who applied for credit or benefits with the USDA and were discriminated against in the USDA's response to the application, and who filed a discrimination complaint before July 1997 regarding the USDA's response to the application; and

WHEREAS, in January 1999, the African-American farmers and the USDA entered into a five-year Consent Decree, and in April 1999, the court approved the settlement and assigned four neutral entities to facilitate implementation of the Consent Decree; and

WHEREAS, Judge Paul Friedman of the United States District Court for the District of Columbia wrote in the Consent Decree, that,

"For decades, despite its promise that 'no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture', the Department of Agriculture and the county commissioners discriminated against African American farmers when they denied, delayed, or otherwise frustrated the applications of those farmers for farm loans and other credit and benefit programs. Further compounding the problem, in 1983 the Department of Agriculture disbanded the OCREA and stopped responding to discrimination claims. These events were the culmination of a string of broken promises that had been made to African-American farmers for well over a century"; and

WHEREAS, despite the provisions of the Consent Decree, African-American farmers continue to experience discrimination in the resolution of their racial discrimination claims; and

WHEREAS, in 2003, the USDA Secretary created a civil rights office to expedite handling of African-American farmers' claims, yet that office has not been successful in addressing the claims, as the volume of claims far outweighs the resources available to handle the claims; and

WHEREAS, the Black Farmers and Agriculturists Association, Incorporated intends to file separate lawsuits in federal court to challenge the implementation of the Consent Decree, and to raise awareness of the extent to which African-American farmers continue to experience discrimination; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we urge the members of the United States House of Representatives and the United States Senate to conduct congressional hearings on the plight of the African-American farmer, and on the USDA loan and credit policies towards African-American farmers.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the United States Congressional Black Caucus, the United States Senate, and the United States House of

Representatives, and that we ask the Congressional Black Caucus to stand in solidarity with us in our support of the Black Farmers and Agriculturists.